

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: October 8, 2003

Signature: Melinda E. Hallmark

(Melinda E. Hallmark)

Docket No.: LA-4940-113XX/09802722
(PATENT)

#17
D/C
(5)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:
Thomas KREISCHER, et al.

Patent No.: 6,017,598

Issued: January 25, 2000

For: MULTILAYER POLYMER FILM FOR A
MULTICHAMBER MEDICAL BAG AND
PROCESS FOR FABRICATION THEREOF

EXCUSE OF ERROR IN SMALL ENTITY STATUS
PURSUANT TO 37 C.F.R. §1.31(c)

Commissioner for Patents
Washington, DC 20231

Dear Sir:

Beginning with the filing of the Request for Continued Prosecution Application on July 29, 1999, the Patent Office fees for the above-identified patent were paid as Small Entity fees in error, in good faith, without intent to deceive. The total amount of fee deficiency based on the current fees for Large Entity, total \$985.00.

Calculation is set forth below:

LA-4940-113XX/09802722 00000008 08564134

LA-4940-113XX/09802722	1330.00 DA	As Paid	As Large Entity	Deficient Amount
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CPA filing	\$ 380	\$ 760	\$ 380
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Notice of Allowance	\$ 650	\$ 1210	\$ 605
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LA-4940-113XX/09802722 00000008 500337 08564134

LA-4940-113XX/09802722 770.00 DA

Circumstances showing good faith are as follows:

~~LA-4940-113XX/09802722 00000008 500337 08564134~~

~~25336133-10-DA~~

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When the National application under 37 CFR § 370 was filed the payment made was \$1010.00, the Large Entity fee, and no Small Entity status was claimed (Exhibit A).

Notwithstanding the foregoing, when the filing receipt was issued, it referred to the applicant as having Small Entity status (Exhibit B), which appears to have been an error on the part of the Patent and Trademark Office. This error was not noticed at the time.

Upon payment of the Extension of Time fee for filing an amendment on June 4, 1998, the fee paid was \$110.00, for a Large Entity, demonstrating continued treatment of the application by the applicant as a Large Entity (Exhibit C).

Upon the filing of the Amendment and the Extension of Time, Large Entity fees were paid, again demonstrating continued treatment of the application by the applicant as a Large Entity (Exhibit D).

However, upon filing a Continued Prosecution Application, a Small Entity payment was erroneously made. The secretary who filled out the papers is no longer with this firm, but a review of the file indicates she was a temporary employee who appeared to have based the Small Entity status on the erroneous filing receipt of Exhibit A. The CPA cover sheet prepared and filed by the temporary secretary is attached at Exhibit E.

The erroneous designation was discovered upon receipt by the Assignee of a Maintenance Fee payment reminder in which the amount was based on Small Entity status, which caused the Assignee to realize, for the first, time, that an error had been made.

Patent No.: 6,017,598

Docket No.: LA-4940-113XX/09802722

The Commissioner is hereby authorized to charge the deficiency in the previous fees filed, or which should have been filed herewith, to our Deposit Account No. 50-0337, under Order No. LA-4940-113XX/09802722. A duplicate copy of this paper is enclosed.

Dated: October 8, 2003

Respectfully submitted,



By

Robert Berliner

Registration No.: 20,121

FULBRIGHT & JAWORSKI L.L.P.


865 South Figueroa; Twenty-Ninth Floor

Los Angeles, California 90017-2571

(213) 892-9200

(213) 680-4518 (Fax)

Attorneys for Applicant

PCT/US PTO-1390 (REV 10-90)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 4940-113	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371					
INTERNATIONAL APPLICATION NO. PCT/EP95/01152		INTERNATIONAL FILING DATE 28 March 1995		PRIORITY DATE CLAIMED 29 March 1994	
TITLE OF INVENTION MULTILAYER POLYMER FILM FOR A MULTICHAMBER MEDICAL BAG AND PROCESS FOR FABRICATING THEREOF					
APPLICANT(S) FOR DO/EO/US Thomas KREISCHER, Klaus HEILMANN, Thomas NICOLA and Michael ZIMMERMANN					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). 4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input checked="" type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) 6. <input checked="" type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (to follow) 10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).					
Items 11. to 16. below concern document(s) or information included:					
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. (to follow) 13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 14. <input type="checkbox"/> A substitute specification. 15. <input type="checkbox"/> A change of power of attorney and/or address letter. 16. <input checked="" type="checkbox"/> Other items or information: Preliminary Amendment					
EXPRESS MAIL MAILING LABEL NO. TB816890250US Date of Deposit: November 28, 1995		I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. Gayle K. Makishi (Typed Name)  (Signature)			
RETAIN THIS NUMBER-CUSTOMER RECEIPT WILL BE MAILED TO YOU. TB816890250 US					


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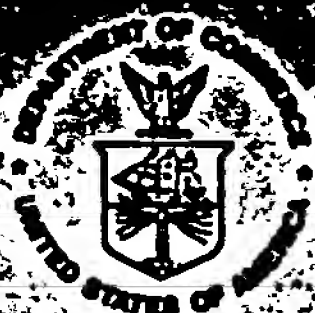
(January 1995)

OFFICE OF PETITIONS

Ex. A

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)		INTERNATIONAL APPLICATION NO. PCT/EP95/01152		ATTORNEY'S DOCKET NUMBER 4940-113	
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO..... \$850.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) \$660.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).. \$730.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$980.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)..... \$92.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 1,010.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	12 -20 =	-0-	X \$22.00	\$	
Independent claims	2 -3 =	-0-	X \$76.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$240.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,010.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	
SUBTOTAL =				\$ 1,010.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$ 1,010.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$ 1,010.00	
				Amount to be: refunded \$	
				charged \$ 1,010.00	
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>18-1647</u> in the amount of \$ <u>1,010.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>18-1647</u>. A duplicate copy of this sheet is enclosed.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p>					
SEND ALL CORRESPONDENCE TO: ROBBINS, BERLINER & CARSON 201 N. Figueroa Street 5th Floor Los Angeles, California 90012				<div style="text-align: right;"> SIGNATURE John P. Spitals NAME <u>29,215</u> REGISTRATION NUMBER</div>	

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

4440-113
WKE

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/564,134	05/28/96	1508	\$1,049.00	40-11313	4	12	1

ROBBINS BERLINER AND CARSON
201 N FIGUEROA STREET
5TH FLOOR
LOS ANGELES CA 90012

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

THOMAS KREISCHER, SAARBRUCKEN, FED REP GERMANY; KLAUS HEILMANN, ST. WENDEL, FED REP GERMANY; THOMAS NICOLA, FORBACH, FED REP GERMANY; MICHAEL ZIMMERMANN, ST. WENDEL, FED REP GERMANY.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A 371 OF PCT/EP95/01152 03/28/95

FOREIGN/PCT APPLICATIONS-FED REP GERMANY

P. 44 10 876.1 03/29/94

* SMALL ENTITY *

TITLE

MULTILAYER POLYMER FILM FOR A MULTICHAMBER MEDICAL BAG AND PROCESS FOR FABRICATION THEREOF

PRELIMINARY CLASS: 428

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Ex.B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Kreischer <i>et al.</i>)	
SERIAL NO.:	08/564,134)	Examiner: Fred Teskin
FILED:	3/28/95)	Art Unit: 1713
FOR:	MULTILAYER POLYMER FILM ...)	
DOCKET NO.	4940-113)	

PETITION FOR EXTENSION OF TIME

CERTIFICATE OF MAILING UNDER 37 CFR §1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope as "First Class Mail" addressed to the: Asst. Commissioner for Patents, Washington, DC 20231 on June 4, 1998.

Dated: June 4, 1998

J. Bové

865 S. Figueroa St., Suite 2800
Los Angeles, CA 90017
(213) 892-9200

Asst. Commissioner for Patents
Washington, DC 20231

Sir:

An extension of time to answer the Office Action of February 10, 1998 is respectfully requested. The Commissioner is requested to extend the time to answer for one month to June 10, 1998.

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Ex. C

Please charge the extension fee in the amount of \$110.00 to Deposit
Account No. 50-0337.

Please charge any additional fees or credit overpayment to Deposit
Account No. 50-0337. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Robert Berliner', with a large, loopy flourish extending to the left.

Robert Berliner
Registration No. 20,121

(213) 892-9237

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.
4940-113

In Re Application Of:

Kreischer et al

Serial No.
08/564,134

Filing Date
3/28/95

Examiner
Teskin

Group Art Unit
1713

Invention: MULTILAYER POLYMER FILM ...

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 9/4/98 in the above-identified application.
Date

The requested extension is as follows (check time period desired):

☒ One month

☐ Two months

☐ Three months

☐ Four months

from: 12/4/98
Date

until: 1/4/99
Date

The fee for the amendment and extension of time has been calculated as shown below:

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	36 -	20 =	16	x \$22.00	\$352.00
INDEP. CLAIMS	2 -	3 =	0	x \$82.00	\$0.00
FEE FOR AMENDMENT					\$
FEE FOR EXTENSION OF TIME					\$110.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME					\$462.00

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Ex. D

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.
4940-113

The fee for the amendment and extension of time is to be paid as follows:

- ☐ A check in the amount of _____ for the amendment and extension of time is enclosed.
- ☒ Please charge Deposit Account No. 50-0337 in the amount of \$462.00
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. _____
A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-0337 A duplicate copy of this sheet is enclosed.


Signature

Dated: 12/31/98

Robert Berliner, Reg. No. 20,121

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I certify that this document and fee is being deposited
on 12/31/98 with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents, Washington, D.C.
20231.


Signature of Person Mailing Correspondence

J. BOVE'

Typed or Printed Name of Person Mailing Correspondence

cc: